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| 10/805,702      | 03/22/2004  | Steven J. Winick     | H0006502-0555 (17268) | 8726             |

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| EXAMINER |
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LAFORGIA, CHRISTIAN A

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| ART UNIT | PAPER NUMBER |
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2139

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07/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |  |  |
|------------------------------|---------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/805,702  | <b>Applicant(s)</b><br>WINICK, STEVEN J. |  |
|                              | <b>Examiner</b><br>Christian LaForgia | <b>Art Unit</b><br>2139                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-18,20,28-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-18,20,28-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 April 2008 has been entered.
2. Claims 1-7, 9-18, 20, 28-36, and 38 have been presented for examination.
3. Claims 8, 19, 21-27, and 37 have been cancelled as per Applicant's request.

### ***Response to Arguments***

4. Applicant's arguments, see page 8, filed 18 April 2008, with respect to the rejections made under 35 U.S.C. 112, 2<sup>nd</sup> paragraph have been fully considered and are persuasive. The 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejections of independent claims 1, 10, 21, and 28 have been withdrawn.
5. Applicant's arguments with respect to claims 1-7, 9-18, 20, 28-36, and 38 have been considered but are moot in view of the new grounds of rejection.
6. See further rejections set forth below.

### ***Claim Objections***

7. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14 requires that the message comprises an identifier of an

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electronic device. The amendment to claim 10 on 18 April 2008 provides for the message to include an address and an identifier associated with the electronic device.

8. Claim 33 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 33 requires that the message to be encrypted using an encryption code unique to the electronic device. The amendment to independent claim 28 on 18 April 2008 provides for the message to be encrypted using an encryption code unique to the electronic device.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-7, 9 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "said user interface" in the last limitation. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 1-7, 9-18, 20, 28-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2007/0118645 A1 to Suters, hereinafter Suters, in view of U.S. Patent No. 7,295,556 B2 to Roese et al., hereinafter Roese.

13. As per claims 1, 10 and 28, Suters discloses an electronic device in a local area network, comprising:

a network interface that communicates with a connection point of the local area network, and that receives a polling signal from a security system in the local area network via the connection point (paragraph 0008, i.e. network manager device polls devices to see if they reply); and

a control that causes the network interface to communicate a response to the security system via the connection point in response to receipt of the polling signal (Figure 4 [block 401], paragraph 0039, i.e. receiving the state of a CE device), said control generates an alarm if said electronic device is not present (Figure 4 [blocks 402, 405], paragraph 0039, i.e. if the reception times out, meaning no response has been received, generating an alarm).

14. Suters does not teach a control causes the network interface to communicate the response to the security system as an encrypted message using an encryption code that is unique to the electronic device, wherein said message includes an address and an identifier associated with the electronic device and said control verifies that said electronic device is installed in an authorized network based upon said address and said identifier and wherein said user interface is configured to allow a user to arm and disarm building intrusion detection features separately from security features of said LAN.

15. Roese teaches a control causes the network interface to communicate the response to the security system as an encrypted message using an encryption code that is unique to the electronic device (Figures 5 [step 505], 7 [steps 710, 715], column 18, lines 4-15, column 25, lines 33-58, i.e. transmitting location information that may be encrypted with a key);

wherein said message includes an address and an identifier associated with the electronic device (column 36, lines 21-30, i.e. device specific information includes an IP address and a serial number) and said control verifies that said electronic device is installed in an authorized network based upon said address and said identifier (Figures 5 [steps 510, 520], 6 [steps 620, 620b, 620a], column 25, lines 41-58, column 27, line 52 to column 28, line 3).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control causes the network interface to communicate the response to the security system as an encrypted message using an encryption code that is unique to the electronic device, wherein said message includes an address and an identifier associated with the electronic device and said control verifies that said electronic device is installed in an authorized network based upon said address and said identifier, since Roese states at column 6, line 56 to column 7, line 7 that providing such features allows for the tracking of stolen devices which allows recovery or at the very least disabling access to sensitive information.

17. Suters and Roese does not disclose wherein said user interface is configured to allow a user to arm and disarm building intrusion detection features separately from security features of said LAN.

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18. It would have been obvious to one of ordinary skill in the art to provide an interface that arms/disarms a building intrusion detection system separately from the security features of a LAN, since one of ordinary skill in the art would clearly recognize that the building security features are a separate system from the network security features thereby requiring two separate interfaces for each system.

19. Examiner's NOTE: U.S. 2007/0118645 A1 qualifies as a 102(e) reference since it claims the benefit of an international application (WO/2005/048088). The International Application has met the following criteria to qualify the international filing date as the U.S. filing date: 1) the international filing date was after 29 November 2009 (11 November 2004); 2) it designated the United States; and 3) it was published under PCT Article 21(2) in English. Since the International Application properly claimed the benefit of an earlier filed U.S. provisional application, the Examiner is permitted to use the provisional application as the earliest possible filing date. See MPEP § 706.02(f)(1)(I)(C).

20. Regarding claims 2 and 11, Suters teaches the network interface communicates with at least one other electronic device in the local area network via the connection point to transfer entertainment content (paragraph 0024, i.e. the electronic devices communicating and inspecting each other).

21. Regarding claim 3, Suters discloses the network interface communicates, via the connection point, with a remote server that provides services for the electronic device (paragraphs 0024, 0030, 0031).

22. With regards to claim 4, Roese discloses the services include at least one of downloading software to the electronic device, performing remote programming of the electronic device (column 6, lines 11-23, i.e. system **100** can provision and configure devices), and uploading diagnostic data from the electronic device.

23. Regarding claims 5 and 16, Roese teaches discloses the connection point comprises at least one of a hub and a gateway (Figure 1 [element 114], column 31, lines 9-30).

24. Regarding claims 6 and 17, Roese discloses the network interface receives software from the security system via the connection point for configuring the electronic device as a sensor of the security system (column 6, lines 11-23, i.e. system **100** can provision and configure devices).

25. Regarding claim 7, Suters discloses the security system sets an alarm if it does not receive the response from the network interface after sending the polling signal to the network interface (paragraph 0008, 0039).

26. Regarding claim 9, Roese teaches the control causes the network interface to communicate the response to the security system as an encrypted message using an encryption



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code that is unique for a specified group of electronic devices (column 18, lines 4-15, column 25, lines 33-58).

27. Regarding claim 12, Roese discloses the network interface communicates, via the connection point, with a remote server that provides services for the security system (column 6, lines 11-23, i.e. system **100** can provision and configure devices).

28. With regards to claim 13, Suturs teaches when the alarm is set, the network interface communicates a message to the remote server indicating that the alarm has been set (paragraph 0039, i.e. alarm-alert or the device is in a protected state).

29. Concerning claim 14, Roese teaches the message comprises an identifier of the electronic device (column 36, lines 21-30, i.e. device specific information includes a serial number).

30. Concerning claims 15 and 31, Roese teaches the message comprises at least a portion of an Internet Protocol address associated with the electronic device (column 36, lines 21-30, i.e. device specific information includes an IP address).

31. Regarding claim 18, Suturs teaches means for monitoring at least one sensor for detecting intrusion in a building (paragraph 0011, i.e. an anti-theft system).

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32. Regarding claim 20, Roese teaches the response to the polling signal is provided as an encrypted message using an encryption code that is unique for a specified group of electronic devices (Figures 5 [step 505], 7 [steps 710, 715], column 18, lines 4-15, column 25, lines 33-58, i.e. transmitting location information that may be encrypted with a key).

33. Regarding claim 29, Suturs teaches the message is received from the electronic device (paragraphs 0008, 0039).

34. Regarding claim 30, Roese teaches the message is received from a server that provides services for the electronic device (Figure 4 [step 440], column 25, lines 3-31).

35. Regarding claim 32, Roese teaches the identifier comprises a serial number (column 36, lines 21-30, i.e. device specific information includes a serial number).

36. Regarding claim 33, Roese teaches the message is received as an encrypted message using an encryption code that is unique to the electronic device (column 18, lines 4-15, column 25, lines 33-58).

37. Regarding claim 34, Roese teaches the message is received as an encrypted message using an encryption code that is unique for a specified group of electronic devices (column 18, lines 4-15, column 25, lines 33-58).

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38. Regarding claims 35, 36, and 38, Suters and Roese do not teach the said control is configured to not allow spoofing of said electronic device.

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to not allow spoofing of an electronic device, since one of ordinary skill in the art that anti-spoofing techniques are well-known and commonly practiced in order to prevent unauthorized access to a network.

### ***Conclusion***

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

41. The following patents are cited to further show the state of the art with respect to detecting the location of stolen devices, such as:

United States Patent Application Publication No. 2008/0134284 A1 to Bhansali et al., which is cited to show a method of securing and tracking electronic devices.

United States Patent Application Publication No. 2008/0137843 A1 to Bhansali et al., which is cited to show a method of securing and tracking electronic devices.

United States Patent Application Publication No. 2008/0141383 to Bhansali et al., which is cited to show a method of securing and tracking electronic devices.

United States Patent Application Publication No. 2005/0044404 A1 to Bhansali et al., which is cited to show a method of securing and tracking electronic devices.

United States Patent Application Publication No. 2003/0225893 A1 to Roese et al., which is cited to show a published application that is related to one of the patents used to reject the claims of the instant application.

United States Patent Application Publication No. 2003/0217151 A1 to Roesse et al., which is cited to show a published application that is related to one of the patents used to reject the claims of the instant application.

United States Patent Application Publication No. 2003/0217137 A1 to Roesse et al., which is cited to show a published application that is related to one of the patents used to reject the claims of the instant application.

United States Patent No. 7,092,943 B2 to Roesse et al., which is cited to show a patent that is related to one of the patents used to reject the claims of the instant application.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christian LaForgia/  
Primary Examiner, Art Unit 2139

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